

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

To Mr S P Byrne
20 Western Road
Tring
Herts

Goldfield Development Ltd
18 Western Road
Tring
Herts

..... TWO STOREY. SIDE EXTENSION, THREE STOREY. REAR
 EXTENSION, GARAGE AND ALTERATIONS
 at .. 2 MEADOW ROAD, BERKHAMSTED

Brief
description
and location
of proposed
development.

In pursuance of their powers under the above-mentioned Acts and the Orders and Regulations for the time being in force thereunder, the Council hereby refuse the development proposed by you in your application dated 22 February 1990 and received with sufficient particulars on 23 February 1990 and shown on the plan(s) accompanying such application..

The reasons for the Council's decision to refuse permission for the development are:—

1. The proposal represents a gross overdevelopment of the site which would affect adversely the visual and general amenities and detract from the character of the area.
2. The proposal, due to its height, mass and design is unsympathetic to the character of adjacent and nearby development and would have a seriously detrimental effect on the amenities and privacy at present enjoyed by occupants of adjacent dwellings.

Dated ... 19 ... day of April ... 19 90

Signed

Wm Bama

SEE NOTES OVERLEAF

P/D. 15

Chief Planning Officer

NOTE

1. If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, he may appeal to the Secretary of State for the Environment, in accordance with s.36 of the Town and Country Planning Act 1971, within six months of the date of this notice. (Appeals must be made on a form obtainable from the Secretary of State for the Environment, Tollgate House, Houlton Street, Bristol, BS2 9DJ). The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements, to the provisions of the development order, and to any directions given under the order.
2. If permission to develop land is refused, or granted subject to conditions, whether by the local planning authority or by the Secretary of State for the Environment and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Borough Council in which the land is situated, a purchase notice requiring that Council to purchase his interest in the land in accordance with the provisions of Part IX of the Town and Country Planning Act 1971.
3. In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in s.169 of the Town and Country Planning Act 1971.

DC.4 NOTES



Planning Inspectorate

Department of the Environment

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Goldfield Development Ltd
18 Western Road
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PLANNING DEPARTMENT DACORUM BOROUGH COUNCIL				
				Ack.
Goldfield Development Ltd	D.C.	D.C.	Admin.	File
18 Western Road				
Tring				
Herts HP23				
4BB Received		10 JAN 1991		
Comments				

Your Reference: SPB/PB.D

Our Reference:

T/APP/A1910/A/90/169228/P7

Date:

10 JAN 91

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPEAL BY Mr and Mrs S P Byrne
APPLICATION NO: 4/0279/90

1. I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal against the decision of the Dacorum Borough Council to refuse planning permission for a 3 storey extension and loft room and 3 extra parking spaces including a garage at 2 Meadow Road, Berkhamsted. I have considered the written representations made by you and by the Council and also those made by the Berkhamsted Town Council and interested persons at the application stage. As you know, I inspected the site on 31 December 1990.

2. From my inspection of the site and its surroundings and my examination of the representations submitted, I consider that the main issues in this case are firstly, whether the proposed development would materially harm the character or appearance of the area and secondly, whether it would materially harm the amenities of neighbouring residents.

3. Having taken into account the various development plan policies drawn to my attention, it seems to me that the most relevant in this case is Policy 8 of the Draft Dacorum Borough Local Plan Review. In particular, criterion C of this policy requires development to harmonize with the townscape, density and general character of the area in which it is set and criterion D requires development to avoid harm to the surrounding neighbourhood and adjoining properties through, among other things, visual intrusion and loss of privacy.

4. On the first main issue, it appears to me that the residential area in which the appeal site is situated is characterized predominantly by small brick-faced bungalows and 2 storey houses of simple design with hipped, plain tiled roofs. In this respect, the existing 2 storey house on the site is not exceptional although it is unusual in having a wide garden on its western side, reflecting its corner position, and in being detached, whereas most of the neighbouring dwellings are semi-detached. In particular, the site is adjoined to the east by 2 pairs of small semi-detached bungalows at 4-10 Meadow Road.

5. Like the approved extension to which you have drawn my attention, the proposed development would almost double the 2 storey frontage width of the existing house. However, unlike the approved scheme, it would involve the construction of a considerably higher pitched roof with concrete interlocking tiles, gabled ends to the flank walls and large eaves overhangs. It would also incorporate many additional windows including several in each flank wall,

2 large gabled rear dormers and rooflights at the front and rear. The extended building would be rendered and most of the door and window openings would be surmounted by decorative brick arches. The proposed garage on the frontage of the site would include a roof-patio garden with a corbelled parapet.

6. In my opinion, having regard to the increased building height and bulk that would result, the substantially more ornate and imposing appearance that would be created and the use of materials that would contrast sharply with those used on most of the neighbouring buildings, the enlarged house would be unacceptably out of scale and keeping with the surrounding development. In particular, I consider that the building would appear seriously overdominant and incongruous in the street scene in relation to the modest bungalows at 4-10 Meadow Road. I appreciate that large detached houses are not unusual in Berkhamsted but there appears to be none close to the appeal site. In all the circumstances, I conclude that the character and appearance of the area would be materially harmed by the appeal proposal.

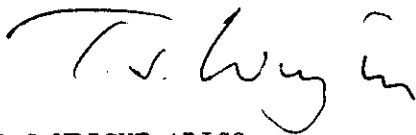
7. Turning to the second main issue, I find that the principal matter in dispute concerns the effect of the proposed roof patio above the garage. This would abut the western boundary of the site which is separated from the rear boundaries of the neighbouring houses in Billet Lane by a rear access road a little over 3m wide. As there is a large shed situated across the end of the back garden of 58 Billet Lane, I do not consider that the occupiers of this property would be seriously affected by the use of the patio. However, there is little or no screening at the rear of 54 and 56 and having regard to the proximity and elevated position of the patio, I am of the opinion that it would cause an unacceptable degree of overlooking of the rear gardens of these adjacent houses and a consequent harmful loss of privacy to their occupiers.

8. Although I judge that it would be feasible to keep some of the existing mature trees on the site close to the southern end of the rear access road, several tall cypress trees would inevitably be lost as a result of the appeal proposal and the development as a whole would be exposed to view from the west, particularly from the rear windows and rear gardens of 54 and 56 Billet Lane. I consider that the size of the proposed rear dormers is such that from these properties the development would have the impact of a 3 storey building. Consequently, I am of the opinion that the development would appear more intrusive to the occupiers of these properties than they may reasonably expect having regard to the smaller scale buildings that are characteristic of the area. I have therefore reached the conclusion on the second main issue that the amenities of the residents of 54 and 56 Billet Lane would be materially harmed by the proposal.

9. I have taken into account all the other matters raised in the representations including those relating to car parking and amenity space provision but although I find no fundamental inadequacy in these respects they do not alter my conclusions on the main issues in this case. I have also considered the points raised about the mode of occupation of the existing house but these do not affect my decision.

10. For the above reasons and in exercise of the powers transferred to me, I hereby dismiss this appeal.

I am Gentlemen
Your obedient Servant

A handwritten signature in cursive script, appearing to read "T. J. Wright".

T J WRIGHT ARICS
Inspector